

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ABBAS ELCHEIKHALI,)	CASE NO. 4:09 CV 471
)	
Petitioner,)	JUDGE SARA LIOI
)	
v.)	
)	MEMORANDUM OF OPINION
MJ GUJO, et al.,)	AND ORDER
)	
Respondents.)	

On March 2, 2009, petitioner *pro se* Abbas Elcheikhali filed the above-captioned habeas corpus action under 28 U.S.C. § 2241. Elcheikhali, who is incarcerated at the Northeast Ohio Correctional Center, alleges that he has been receiving medicine that is ineffective to control his panic attacks, and that he has not received mental health counseling. He also alleges he has been denied food that conforms with Muslim dietary laws.

Habeas corpus is not the appropriate vehicle for challenging the conditions of one's confinement. *Preiser v. Rodriguez*, 411 U.S. 475, 498-99 (1973); *Young v. Martin*, No. 02-2518, 83 Fed.Appx. 107, 109 (6th Cir. Dec. 5, 2003); *Okoro v. Scibana*, No. 1322, 1999 WL 1252871

(6th Cir. Dec. 15, 1999). Further, to the extent petitioner seeks relief other than release, the appropriate action would be to file a civil rights complaint.¹

Accordingly, the request to proceed *in forma pauperis* is granted, the petition for writ of habeas corpus is denied and this action is dismissed pursuant to 28 U.S.C. § 2243. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Dated: May 11, 2009



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE

¹ In order to file a civil rights action, petitioner would be required either to pay the \$350 filing fee or to file a prisoner account statement so that the court would have sufficient financial information to assess and collect the filing fee. 28 U.S.C. § 1915; *McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997).